

DOT/CDL Pre-employment Testing

Summary of DOT Requirements

The following information applies **ONLY** to applicants who will be hired for a CDL covered position.

There are 4 basic requirements to qualify an applicant for driving with a CDL license:

1. Perform a PE (pre-employment) drug test.
2. Complete a drug and alcohol background check (if the individual has an existing CDL license and has worked for other employers in the previous 3 years) and verify s/he hasn't failed a PE test for an employer who did not hire them. (**Use Form A and A-2**)
3. Provide the applicant with required educational materials and execute a "Certificate of Receipt" (**Form C**).
4. Add him/her to random pool (**Use form Pool Add/Delete DOT/CDL**).

Additional details on these requirements:

1. **49 CFR part 382.301** - Drug test required
 - a. The prospective employee must submit to a drug test **prior** to the first time a covered function occurs.
 - b. A negative result **MUST** have been confirmed by the MRO or C/TPA prior to the employee performing any safety-sensitive function.
 - c. Have the applicant sign a "Pre-Employment Controlled Substances Testing Consent Form" before sending him/her for the pre-employment test.
2. **49 CFR Part 40.25** - Drug and Alcohol Background Check
 - a. Employers must obtain written consent from the prospective employee for the purpose of obtaining testing records for the previous 3 years from any previous employer(s) whose testing program they were subject to.
 - b. This applies only to employees seeking to begin performing safety-sensitive duties for the first time (i.e., a new hire, an employee transfers into a safety-sensitive position).
 - c. If the employee refuses to provide written consent, you must not permit the employee to perform safety-sensitive functions.
 - d. **"Form A"** (Drug and Alcohol Background Check) should be used to meet this requirement.
 - e. If possible, the employer should obtain this information before the employee begins performing safety-sensitive functions. If this is not feasible, the information should be obtained as soon as possible. However, the employer must not permit the employee to perform safety-sensitive functions after **30 days** from the date on which the employee first performed safety-sensitive functions, unless the employer has obtained or made and documented a good faith effort to obtain this information.
 - f. If information is obtained that the employee has an alcohol or drug violation, the employer must not use the employee to perform safety-sensitive functions unless the employer also obtains verification the employee has complied with the return-to-duty requirements of 49 CFR Part 40, Subpart O.
 - g. In addition, the employer must **ALSO** ask the employee if s/he has tested positive or refused to test, on any pre-employment test administered by an

employer to which the employee applied for, but was not hired by the employer during the past two years (**Form A-2**). If the employee admits to a positive test or a refusal to test, the employer must not use the employee to perform safety-sensitive functions unless the employer verifies that s/he have met the return-to-duty requirements of 49 CFR Part 40, Subpart O.

3. **49 CFR Part 382.601** - Employee Education Requirements
 - a. Employers are required to provide educational materials that explain the requirements of 49 CFR Part 382.601.
 - b. A master copy of these educational materials can be found in Section 11 (CDL Employee Education Information) of the Drug Testing Program Guidance 2009 manual.
 - c. The employer must ensure these materials were provided to the employee prior to the start of alcohol and controlled substance testing.
 - d. Employers must ensure each driver has signed a statement certifying that s/he has received a copy of these materials. "**Form C**" (Certificate of Receipt), can be executed with each employee to verify this requirement has been completed.
4. **49 CFR Part 382.305** - Adding Employee to Random Pool
 - a. Employees must be added to the random pool within 30 days once a negative pre-employment drug test has been verified and s/he possesses a valid CDL license. If the employee has not been added within 30 days of the verified negative test, another pre-employment test would have to be administered to meet the pre-employment rule requirements. (This most likely would be a factor should you have an employee who is in the process of getting his/her license – who has a permit but have not yet taken the test and received his/her CDL license.)
 - b. Employers must have some way to document when they add or remove an employee from the random pool.
 - c. Use "**Form Pool Add/Delete CDL**" to add and delete employees from your pool. This will also provide the written verification you may need to verify proper pool updates. The add date should be consistent with the start of safety-sensitive or covered functions.